

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Ron Stoker, on January 23,  
2009 at 8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Ron Stoker, Chairman (R)  
Rep. Deborah Kottel, Vice Chairman (D)  
Rep. Ken Peterson, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Keith Regier (R)  
Rep. Diane Sands (D)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Jennifer Eck, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing: HB 95, HB 209, HB 242  
Executive Action: HB 242, HB 60

**HEARING ON HB 95**

**Opening Statement by Sponsor:**

00:01:21 Rep. Ray Hawk (R), HD 90, opened the hearing on HB 95,  
Cost of care contributions under Youth Court Act.

**Proponents' Testimony:**

00:03:46 Chairman Stoker

00:03:59 Trich Stroman, Department of Corrections

**EXHIBIT**(juh16a01)

00:06:29 Chairman Stoker

00:06:39 Lois Menzies, Court Administrator, Supreme Court

00:07:55 Chairman Stoker

**Opponents' Testimony:** None

**Informational Testimony:** None

00:08:24 Lonnie Olson, Department of Corrections

00:09:36 Rep. Peterson

**Questions from Committee Members and Responses:**

00:09:55 Rep. Menahan

00:10:07 Ms. Stroman

00:10:08 Rep. Menahan

00:10:22 Ms. Stroman

00:10:25 Chairman Stoker

00:10:28 Rep. Menahan

00:10:54 Ms. Stroman

00:12:38 Rep. Menahan

00:12:43 Chairman Stoker

00:12:45 Rep. Kottel

00:12:50 Chairman Stoker

00:12:52 Rep. Kottel

00:13:19 Ms. Stroman

00:13:46 Chairman Stoker

00:13:47 Rep. Kottel

00:14:25 Ms. Stroman

00:14:40 Chairman Stoker

00:14:52 Brenda Elias

00:15:27 Chairman Stoker

00:15:31 Rep. McClafferty

00:15:55 Ms. Stroman

00:16:01 Rep. McClafferty

00:16:13 Ms. Stroman

00:16:46 Rep. McClafferty

00:16:48 Chairman Stoker

**Closing by Sponsor:**

00:16:59 Rep. Hawk

00:17:09 Chairman Stoker

**HEARING ON HB 209**

**Opening Statement by Sponsor:**

00:17:22 Rep. Mike Phillips (D), HD 66, opened the hearing on  
HB 209, Revise school zone traffic laws.

**EXHIBIT(juh16a02)**

00:22:16 Chairman Stoker

**Proponents' Testimony:**

00:22:26 Darrell Rud, Executive Director, School Administrators  
of Montana

00:24:03 Chairman Stoker

00:24:09 Marco Ferro, Director of Public Policy, MEA-MFT

00:25:42 Chairman Stoker

00:25:50 Colonel Mike Tooley, Chief, Montana Highway Patrol

00:27:09 Chairman Stoker

00:27:15 Jane Hamman, AAA of Montana and Montana Traffic  
Education Association

00:27:54 Bob Vogel, Montana School Boards Association

00:29:27 Chairman Stoker

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:29:54 Rep. Ebinger

00:30:02 Rep. Phillips

00:30:04 Rep. Ebinger

00:30:14 Rep. Phillips

00:30:55 Rep. Ebinger

00:30:57 Chairman Stoker

00:31:01 Rep. Wagner

00:32:01 Colonel Tooley

00:33:03 Rep. Wagner

00:33:39 Colonel Tooley

00:34:16 Rep. Wagner

00:34:45 Colonel Tooley  
00:35:01 Rep. Wagner  
00:35:04 Chairman Stoker  
00:35:08 Rep. Bennett  
00:35:15 Chairman Stoker  
00:35:19 Rep. Phillips  
00:35:20 Rep. Bennett  
00:35:59 Rep. Phillips  
00:36:05 Chairman Stoker  
00:36:07 Rep. More  
00:36:14 Rep. Phillips  
00:36:15 Rep. More  
00:36:38 Rep. Phillips  
00:37:50 Chairman Stoker  
00:37:56 Rep. Warburton  
00:39:23 Colonel Tooley  
00:39:54 Chairman Stoker  
00:40:06 Rep. Howard  
00:40:24 Colonel Tooley  
00:40:26 Rep. Howard  
00:40:41 Colonel Tooley  
00:41:08 Rep. Howard  
00:41:41 Colonel Tooley  
00:42:20 Rep. Howard  
00:42:23 Chairman Stoker  
00:42:25 Rep. Regier  
00:42:33 Rep. Phillips  
00:42:33 Rep. Regier  
00:42:49 Rep. Phillips  
00:43:46 Rep. Regier  
00:43:57 Rep. Phillips  
00:44:17 Rep. Regier  
00:44:41 Rep. Phillips  
00:45:32 Chairman Stoker  
00:45:35 Rep. Ebinger  
00:45:46 Chairman Stoker  
00:45:59 Rep. Ebinger  
00:46:01 Chairman Stoker  
00:46:03 Rep. Ebinger  
00:46:34 Rep. Phillips  
00:47:12 Chairman Stoker  
00:47:17 Rep. Phillips  
00:47:25 Colonel Tooley  
00:47:27 Rep. Ebinger  
00:47:48 Colonel Tooley  
00:48:09 Rep. Ebinger  
00:48:11 Chairman Stoker  
00:48:17 Rep. Wagner  
00:48:22 Rep. Phillips  
00:48:24 Rep. Wagner

00:48:40 Rep. Phillips  
00:49:17 Rep. Wagner  
00:49:46 Rep. Phillips  
00:50:33 Rep. Wagner  
00:50:47 Rep. Rep. Phillips  
00:50:52 Rep. Wagner  
00:50:55 Chairman Stoker  
00:50:57 Rep. Kerns  
00:51:02 Rep. Phillips  
00:51:03 Rep. Kerns  
00:51:15 Chairman Stoker  
00:51:30 Rep. Phillips  
00:52:05 Chairman Stoker  
00:52:10 Rep. Peterson  
00:52:17 Rep. Phillips  
00:52:18 Rep. Peterson  
00:52:41 Rep. Phillips  
00:53:29 Rep. Peterson  
00:54:08 Rep. Phillips  
00:54:37 Rep. Peterson  
00:54:47 Rep. Phillips  
00:55:47 Rep. Peterson  
00:56:02 Rep. Phillips  
00:56:39 Rep. Peterson  
00:56:48 Rep. Phillips  
00:56:52 Rep. Howard  
00:57:09 Rep. Phillips  
00:57:11 Rep. Howard  
00:57:15 Rep. Phillips  
00:57:28 Rep. Howard  
00:57:39 Rep. Phillips  
00:57:50 Rep. Howard  
00:58:11 Rep. Phillips  
00:58:52 Rep. Kottel  
00:58:56 Rep. Phillips  
00:58:58 Rep. Kottel  
00:59:16 Rep. Phillips  
00:59:32 Chairman Stoker  
00:59:38 Rep. Wagner  
00:59:54 Rep. Phillips  
00:59:59 Rep. Wagner  
01:00:02 Chairman Stoker  
01:00:06 Rep. Regier  
01:00:09 Rep. Phillips  
01:00:10 Rep. Regier  
01:00:50 Rep. Phillips  
01:01:03 Chairman Stoker

**Closing by Sponsor:**

01:01:11 Rep. Phillips  
01:02:58 Chairman Stoker

**HEARING ON HB 242**

**Opening Statement by Sponsor:**

01:03:11 Rep. Dave McAlpin (D), HD 94, opened the hearing on  
HB 242, Revise juror fee laws.  
  
01:05:45 Chairman Stoker

**Proponents' Testimony:**

01:05:55 Shirley Faust, Missoula County Clerk of District Court  
[EXHIBIT\(juh16a03\)](#)  
  
01:10:10 Chairman Stoker  
01:10:18 Mary Phippen, Montana Association of Clerks of District  
Court  
01:10:50 Chairman Stoker

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:11:11 Rep. McAlpin  
01:11:33 Chairman Stoker

[RECESS: mics muted.]

01:31:16 Chairman Stoker

**EXECUTIVE ACTION ON HB 242**

01:31:38 Chairman Stoker  
01:31:45 **Motion:** Rep. Peterson moved that **HB 242 DO PASS.**

**Discussion:**

01:31:49 Chairman Stoker  
01:31:53 Rep. Ebinger  
01:32:07 Chairman Stoker  
01:32:25 Rep. Peterson

01:32:53 Chairman Stoker

01:33:04 Rep. Sands called the question.

01:33:06 **Vote:** Motion that **HB 242 DO PASS** carried unanimously  
by voice vote.

**EXECUTIVE ACTION ON HB 60**

01:33:34 **Motion:** Rep. Peterson moved that **HB 60 DO PASS.**

**Discussion:**

01:33:40 Chairman Stoker

01:34:02 Rep. Sands

01:34:39 Chairman Stoker

01:34:45 Rep. Menahan

01:37:45 Chairman Stoker

01:38:28 Rep. More

01:39:44 Chairman Stoker

01:39:52 Rep. More

01:40:02 Chairman Stoker

01:40:09 Rep. Regier

01:41:08 Chairman Stoker

01:42:16 Rep. Kottel

01:43:37 Rep. Peterson

01:44:09 Rep. Kottel

01:44:13 Chairman Stoker

01:44:15 Rep. Kottel

01:44:21 Rep. Ebinger

01:44:27 Rep. Peterson

01:44:29 Chairman Stoker

01:44:38 Rep. Ebinger

01:46:10 Rep. Peterson

01:46:36 Rep. Ebinger

01:46:46 Chairman Stoker

01:46:49 Rep. Regier

01:47:07 Rep. Ebinger

01:47:14 Rep. Regier

01:47:24 Rep. Kottel

01:47:50 Chairman Stoker

01:47:54 Rep. Howard

01:49:35 Chairman Stoker

01:49:39 Rep. Ebinger

01:50:06 Rep. Sands

01:51:16 Rep. Kottel

01:51:58 Rep. Ebinger

01:52:29 Chairman Stoker

01:52:31 Rep. Regier

01:53:03 Rep. Ebinger

01:53:33 Rep. Kottel

01:54:50 Chairman Stoker  
01:55:01 Deb Matteucci, Liaison between Department of  
Corrections (DOC) and Department of Health and  
Human Services (DPHHS)  
01:55:22 Chairman Stoker  
01:55:32 Ms. Matteucci  
01:56:14 Chairman Stoker  
01:56:39 Ms. Matteucci  
01:58:19 Chairman Stoker  
01:58:42 Ms. Matteucci  
01:59:28 Chairman Stoker  
01:59:34 Ms. Matteucci  
02:00:25 Chairman Stoker  
02:00:45 Rep. Kottel  
02:00:57 Chairman Stoker  
02:01:27 Rep. Peterson  
02:01:44 Ms. Matteucci  
02:02:41 Rep. Peterson  
02:02:41 Rep. Menahan  
02:03:07 Chairman Stoker  
02:03:20 Carl Roston, DPHHS  
02:03:33 Chairman Stoker  
02:03:47 Mr. Roston  
02:04:01 Chairman Stoker  
02:04:13 Mr. Roston  
02:04:16 Chairman Stoker  
02:04:20 Rep. MacDonald  
02:04:58 Chairman Stoker  
02:05:03 Rep. Menahan  
02:09:01 Rep. McClafferty  
02:09:40 Rep. Peterson called the question.  
  
02:09:48 **Vote:** Motion carried 14-4 by roll call vote with Rep.  
Peterson, Rep. Kerns, Rep. Bennett, and Rep. Regier  
voting no.

**Informational Discussion:**

02:10:50 Chairman Stoker  
02:11:23 Rep. Kottel  
02:11:32 Chairman Stoker  
02:11:52 Rep. Kottel  
02:11:58 Chairman Stoker  
02:12:07 Rep. More  
02:12:23 Chairman Stoker  
02:12:39 Rep. Kottel  
02:13:33 Chairman Stoker  
02:14:11 Rep. MacDonald  
02:14:25 Chairman Stoker  
02:14:29 Rep. Kottel



02:14:33 Chairman Stoker  
02:14:46 Rep. Kottel  
02:15:05 Rep. Peterson  
02:15:12 Rep. Kottel  
02:15:16 Rep. MacDonald  
02:15:21 Rep. Menahan  
02:15:44 Rep. Kottel

**ADJOURNMENT**

02:15:54 Adjournment

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JENNIFER ECK, Secretary

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Additional Documents:

**EXHIBIT ([juh16aad.pdf](#))**